



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Libby - Congressionals
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Ref: 8EPR-SR

MAY 20 2010

The Honorable Max Baucus
United States Senate
Washington, D.C. 20510-2602

Dear Senator Baucus:

This letter is in response to your letter of May 12, 2010, to Administrator Jackson in which you asked EPA to confirm seven, specific commitments related to EPA's future actions at the Libby Asbestos NPL site (Site). I share your deep concern for and commitment to the health of the Libby community. The cleanup approach is designed to provide the greatest possible protection from exposure to Libby amphibole asbestos for the residents of Libby and Troy, Montana. The seven commitments that you listed in your letter reflect the conversations that have been ongoing between EPA officials and your staff. What follows is our understanding of those seven commitments.

- 1) Post-remediation sampling – Yes, EPA will conduct post remedial Activity Based Sampling (ABS) to confirm that the Records of Decisions (ROD) objectives have been met and that remaining soil exposure pathways at Operable Units (OU) 1 and 2 have been effectively addressed. The RODs for OUs 1 and 2 that were signed by EPA and the Montana Department of Environmental Quality (MDEQ) on May 10, 2010, explicitly call for these actions. EPA is committed to fully carrying out all of the actions called for in those RODs.
- 2) Public Involvement in Planning – The Agency's public involvement activities in Libby are extensive, and yes, I am committed to continuing these activities for the duration of this project.
- 3) Risk Assessments and Toxicity Studies – Yes, the Agency will expeditiously complete work on the site-specific risk assessments and toxicity studies for the Libby site with the current expected completion date to be Spring 2015. It is important to note that the new epidemiological studies are likely to continue long past 2015, though some preliminary analyses may be available in time for the first Five-Year Review.
- 4) Re-evaluation of the Remedy – Yes, upon completion of the risk assessment and toxicity studies, the Agency will re-evaluate the OU1 and OU2 RODs to determine if modifications to the selected remedy are required. This re-evaluation will begin immediately upon completion of the risk assessment, regardless of the status of Five Year Reviews required by statute.


5) Incorporation of Final Assessments and Studies in Remedy – Yes, the Agency will integrate the results of the final Libby asbestos risk assessments and toxicity studies into the remedy through, as appropriate, remedy amendments or other revisions to the remedial assumptions, objectives and controls.

6) Five-Year Reviews – Yes, the Agency will fully meet the letter and spirit of its statutory requirement to review the remedy every five years to ensure it is protective and will continue to protect human health and the environment in the future. EPA intends to conduct Five-Year Reviews whenever significant new information becomes available..

7) Protection of the Health of Libby – Yes, the Agency will continue to provide updates and information on any other matters that impact the effectiveness of the remedy.

We very much appreciate your continued interest in and support for EPA's clean-up actions in Libby, and I hope this information will be helpful to you. If EPA can provide anything further for you or your staff, please contact me or your staff may contact Sandy Fells, Regional Congressional Liaison, at 303-312-6604 or fells.sandy@epa.gov.

Sincerely,



James B. Martin
Regional Administrator